



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-0014

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Brince Woods** in the sum of **\$846.28** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of a sewer main cave in on April 29, 2002 at Hardee Street, NE & Mayson Avenue, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

JAN 21, 2003
JAN 28, 2003

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0345

Date: January 2, 2003

Claimant /Victim BRINCE WOODS
BY: (Atty) (Ins. Co.) _____
Address: 4395 Pipemaker Bluff, Douglasville, Georgia 30135
Subrogation: _____ Claim for Property damage: \$ 846.28 Bodily Injury \$ _____
Date of Notice: 5/10/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/29/02 Place: Hardee Street NE & Mayson Avenue, NE
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained vehicular damage when he drove over a sewer main cave-in that caused a road hazard. An investigation determined that the City was on notice of the condition but failed to properly repair it.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 846.28 Adverse _____ Account charged: 1A01 _____ 2J01 X 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 01-03-03
Committee Action: _____ Council Action _____

RCS# 4404
1/21/03
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

1/21/03 FULL COUNCIL MEETING	
Items Adopted on the Consent Agenda	Items Adversed on the Consent Agenda
1. 02-O-2129	24. 03-R-0003
2. 03-O-0040	25. 03-R-0004
3. 02-O-2132	26. 03-R-0005
4. 02-O-2133	27. 03-R-0006
5. 02-O-2128	28. 03-R-0007
6. 03-O-0047	29. 03-R-0008
7. 03-R-0029	30. 03-R-0009
8. 03-R-0030	31. 03-R-0010
9. 03-R-0025	32. 03-R-0011
10. 03-R-0032	33. 03-R-0012
11. 03-R-0036	34. 03-R-0015
12. 03-R-0058	35. 03-R-0016
13. 03-R-0059	36. 03-R-0017
14. 02-R-1137	37. 03-R-0018
15. 02-R-1628	38. 03-R-0019
16. 02-R-1874	39. 03-R-0021
17. 03-R-0031	40. 03-R-0022
18. 03-R-0046	41. 03-R-0023
19. 02-R-2056	42. 03-R-0024
20. 03-R-0001	
21. 03-R-0002	
22. 03-R-0013	
23. 03-R-0014	

Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376 for Initial Vote & RCS #4403 for vote to Reconsider)
 Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050

Entered - 05-13-02 - sb
CL 02L0345 - GWENDOLYN BURNS

CLAIM OF: **BRINCE WOODS**
4395 Pipemaker Buff
Douglasville, Georgia 30135

03-R-0014

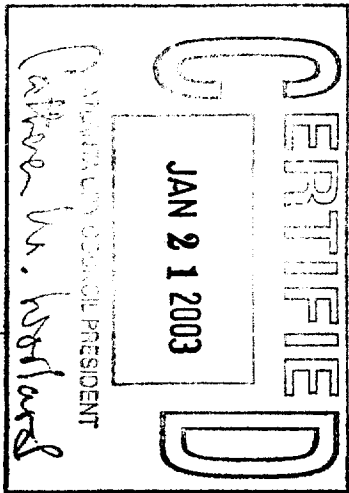
ADOPTED BY
JAN 21 2003
COUNCIL

For vehicular damages alleged to have been sustained as a result of a sewer main cave in on April 29, 2002 at Hardee Street, NE & Mayson Avenue, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **BRINCE WOODS** the sum of **\$846.28** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a sewer main cave in on April 29, 2002 at Hardee Street, NE & Mayson Avenue, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY



CERTIFIED
JAN 21 2003

By Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Franklin
DEPUTY MUNICIPAL CLERK

FAVORABLE REPORT

COMM: Public Safety

DATE: 1-14-03

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

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APPROVED
JAN 28 2003
Shirley Franklin
MAYOR